

DOCKET NO: 245691US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TAKU KODAMA, ET AL. : EXAMINER: DUY M. DANG
SERIAL NO: 10/717,090 :
FILED: NOVEMBER 20, 2003 : GROUP ART UNIT: 2624
FOR: IMAGE PROCESSING :
APPARATUS, IMAGE COMPRESSING
APPARATUS, IMAGE DECOMPRESSING
APPARATUS, IMAGE PROCESSING
METHOD, IMAGE COMPRESSING
METHOD, IMAGE DECOMPRESSING
METHOD, INFORMATION PROCESSING
APPARATUS, INFORMATION
PROCESSING METHOD, PROGRAM
AND RECORDING MEDIUM

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated July 3, 2007, Applicants provisionally elect, with traverse, Invention I, Claims 1-39 for further examination on the merits in the present application.

In addition, Applicants respectfully traverse the Restriction Requirement because the PTO has not carried forward its burden of proof to establish that searching and examining all of the claims would be an undue burden.

In particular, MPEP § 803 states:

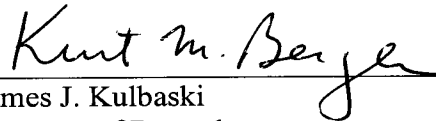
If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Moreover, since electronic searching is commonly performed, it is unclear to Applicants why searching all of the claims would be a serious burden.

Accordingly, Applicants respectfully traverse the outstanding Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner. Thus, it is believed that an examination on the merits of Claims 1-205 is in order and it is respectfully requested.

Respectfully submitted,

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